

REMARKS/ARGUMENTS

In the Office Action claim 5 was objected to as the claim concluded with two periods. Claim 5 has been amended to remove one of the periods and it is submitted that this Amendment overcomes the objection set forth by the Examiner.

Claim 7 was objected to as being redundant because of the use of the term "mixture" twice to describe the same component. Claim 7 has been amended to delete second reference to the term "mixture" and it is submitted that this amendment overcomes the Examiner objection to claims 7.

Claim 1-2, 6 and 8-13 were rejected under 35 USC § 102 (b) over the Lam et al. '307 patent.

Applicants' amended claims define a friction material having a fibrous base material impregnated with at least one curable resin. The fibrous base material contains a high fiber content porous primary layer and a secondary layer comprising a mixture of carbon silica friction modifying particles on at least one surface of the primary layer.

The Lam '307 reference is directed to a friction material having a fibrous base material formed of less fibrillated aramid fibers, synthetic graphite and at least one filler material. A secondary layer of carbon particles is positioned on at least one surface of the fibrous base material. However, the Lam '307 reference does not disclose or suggest a secondary layer comprising a mixture of carbon and silica friction modifying particles on at least one surface of the primary layer as defined by applicants' amended claims. It is the applicants' position that the Lam '307 reference does not disclose or suggest the invention defined by applicants' amended claims and the Examiner is respectfully requested to withdraw this basis of rejection for the claims.

Claims 1-4, 6-13 and 16-18 were rejected under 35 USC § 102 (e) over the Lam et al. '416 reference. The Lam et al. '416 patent is owned by a common

assignee with the instant application and attached hereto is a Declaration establishing that the subject matter of the rejected claims was invented prior to the effective date of the Lam et al. '416 reference. It is submitted that the Declaration establishes that the claimed subject matter is not the invention by another and that the Declaration overcomes the rejection under 35 USC § 102 (e) over the Lam et al. '416 reference. Based on the showing and the attached Declaration it is submitted that the Lam et al. '416 reference is not prior art with regard to the claims and the Examiner is respectfully requested to withdraw this basis of rejection for the claims.

Claim 14 and 16-19 were rejected under 35 USC § 103 (a) as being unpatentable over the Lam et al. '307 patent in view of the Lam et al. '176 patent. Claims 14 and 16-19 all depend from amended claim 1 and, therefore, include all of the limitations of claim 1. As previously discussed in this Amendment the Lam et al. '307 patent does not disclose or suggest features contained in amended claim 1 or the claims that depend from claim 1. In particular the '307 reference does not disclose a secondary layer comprising a mixture of carbon and silica friction modifying particles that are position on at least one surface of the primary layer. As previously stated in more detail it is applicants' position that the '307 reference does not disclose or suggest the invention defined by applicants' amended claims.

The Lam et al. '176 reference is directed to a fibrous base material for use as a friction material. However, this reference does not disclose a secondary layer of friction modifying particles as defined in the applicants' amended claims. Therefore, the '176 reference does not provide the deficiencies of the previously discussed '307 reference. It is applicants' position that the Lam et al. '307 and '176 references, taken in individually or in combination, do not disclose or suggest applicants' claimed invention. Accordingly, the Examiner is respectfully requested to withdraw this basis of rejection for the claims.

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Claims 5, 14, 15 and 19 were rejected under 35 USC § 103 (a) over the Lam et al. '416 reference.

Claims 5, 14, 15 and 19 are all directly or indirectly dependent amended claim 1. As previously set forth in this Amendment the '416 reference does not disclose or suggest the features defined by applicants' amended claim 1 and cannot therefore disclose or suggest the features contained in claims that depend from amended claim 1. In particular, the '416 Lam et al. reference does not disclose a secondary layer comprising a mixture of carbon and silica for friction modifying particles on at least one surface of the primary layer. It is applicants' position that the Lam et al. '416 reference does not disclose or suggest applicants' claimed invention and the Examiner is respectfully requested to withdraw this basis of rejection for the claims.

In view of the amendments and arguments presented herein, it is applicants' positioned that the claims are patentably distinctive over the references applied by the Examiner. A favorable action on the claims is respectfully requested.

Respectfully submitted,
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